

## OTAGO ELECTRICAL WORKERS.—AWARD

In the Court of Arbitration of New Zealand, Otago and Southland Industrial District.—In the matter of the Industrial Conciliation and Arbitration Act, 1925, and its amendments; and in the matter of an industrial dispute between the Dunedin and Suburban General Electrical Workers' Industrial Union of Workers (hereinafter called "the union") and the undermentioned unions, Corporation, Boards, persons, and companies (hereinafter called "the employers") :—

- Otago Electrical Contractors' Industrial Union of Employers, 149-155 Stuart Street, Dunedin.  
 Otago Electrical Traders' Industrial Union of Employers, 149-155 Stuart Street, Dunedin.  
 Brown, V., Andersons Bay Road, Dunedin.  
 Bruce Woollen Co., Ltd., Milton.  
 Burt, A. and T., Ltd., 211 Stuart Street, Dunedin.  
 Cadbury, Fry, Hudson, Ltd., 30 Castle Street, Dunedin.  
 Coulls, Somerville, Wilkie, Ltd., Crawford Street, Dunedin.  
 Dunedin City Corporation, Municipal Chambers, Dunedin.  
 Dominion Fertilizer, Ltd., Ravensbourne, Dunedin.  
 Electric and Plumbing Supplies, Ltd., 149 Stuart Street, Dunedin.  
 Electrolux Ltd., 147 Princes Street, Dunedin.  
 Evening Star Co., Ltd., Stuart Street, Dunedin.  
 Kempthorne, Prosser, and Co.'s N.Z. Drug Co., Ltd., Stafford Street, Dunedin.  
 King, K. A., Thames Street, Oamaru.  
 Love Construction Co., Ltd., Halsey Street, Dunedin.  
 McLeod Bros., Ltd., Cumberland Street, Dunedin.  
 Milburn Lime and Cement Co., Ltd., Crawford Street, Dunedin.  
 Moore, G., Electrician, Kaitangata.  
 New Zealand Refrigerating Co., Ltd., Burnside.  
 Otago Central Electric-power Board, Alexandra.  
 Otago Electric-power Board, Milton.  
 Otago Daily Times, Ltd., Lower High Street, Dunedin.  
 Otago Harbour Board, Dunedin.  
 Parker and Keane, Ltd., 286 George Street, Dunedin.  
 Ross and Glendinning, Ltd., High Street, Dunedin.  
 Sonntag, Chas., Ltd., 14-16 Carroll Street, Dunedin.  
 Stevenson and Cook, Ltd., Port Chalmers.  
 Teviot Electric-power Board, Roxburgh.  
 Turnbull and Jones, Ltd., Stuart Street, Dunedin.  
 Union Steam Ship Co., Ltd. (Port Chalmers Marine Repair Co., Ltd.), Port Chalmers.  
 Urlwin, H. C., Ltd., Dunbar Street, Dunedin.  
 Waygood Otis, Ltd., Stuart Street, Dunedin.  
 Waitaki Electric-power Board, Oamaru.  
 Waitaki Farmers' Freezing Co., Ltd., Pukeuri Junction.

THE Court of Arbitration of New Zealand (hereinafter called "the Court"), having taken into consideration the matter of the above-mentioned dispute, and having heard the union by

its representatives duly appointed, and having also heard such of the employers as were represented either in person or by their representatives duly appointed, and having also heard the witnesses called and examined and cross-examined by and on behalf of the said parties respectively, doth hereby order and award:—

That, as between the union and the members thereof and the employers and each and every of them, the terms, conditions, and provisions set out in the schedule hereto and of this award shall be binding upon the union and upon every member thereof and upon the employers and upon each and every of them, and that the said terms, conditions, and provisions shall be deemed to be and they are hereby incorporated in and declared to form part of this award; and, further, that the union and every member thereof and the employers and each and every of them shall respectively do, observe, and perform every matter and thing by this award and by the said terms, conditions, and provisions respectively required to be done, observed, and performed, and shall not do anything in contravention of this award or of the said terms, conditions, and provisions, but shall in all respects abide by and perform the same. And the Court doth hereby further award, order, and declare that any breach of the said terms, conditions, and provisions set out in the schedule hereto shall constitute a breach of this award, and that a penalty as by law provided shall be payable by any party or person in respect thereof. And the Court doth further order that this award shall take effect as hereinafter provided and shall continue in force until the 20th day of August, 1946, and thereafter as provided by subsection (1) (d) of section 89 of the Industrial Conciliation and Arbitration Act, 1925.

In witness whereof the seal of the Court of Arbitration hath hereto been affixed, and the Judge of the Court hath hereunto set his hand, this 22nd day of August, 1945.

[L.S.]

A. TYNDALL, Judge.

#### SCHEDULE

##### *Industry to which Award applies*

1. (a) This award shall apply to licensed electrical workers in the district hereinafter set out who are engaged in work which comes within the scope of the (New Zealand) Government Electrical (Supply and) Wiring Regulations; and, such

work shall include the constructing, erecting, installing, wiring, maintaining, and repairing of all classes of electric lighting and signs and power appliances, and of any other appliances which require a practical knowledge of electricity.

(b) Nothing herein contained shall apply to the construction, erection, or repairing of the mechanical portion of any of the above-mentioned appliances or machinery by a mechanical engineer or to a motor electrician as defined in any Motor Mechanics' award; but nothing in this subclause shall be construed as in itself authorizing the employment of a mechanical engineer on electrical workers' work.

(c) Nothing herein contained shall apply to shift engineers, switchboard and substation operators, or linesmen.

(d) Nothing herein contained shall apply to work done in connection with—

- (1) Radio apparatus or appliances; nor
- (2) The manufacture in a factory of any electrical apparatus or appliance not requiring a technical knowledge of electricity.

#### *Wages, &c.*

2. (a) Journeymen electrical workers shall be paid a minimum wage of 3s. 1d. per hour.

(b) An additional sum of  $\frac{1}{2}$ d. per hour shall be paid to journeymen as tool allowance. Such allowance shall not be subject to the provisions of clause 3 hereof increasing rates of remuneration.

(c) Any journeyman who is placed in charge of work on which three or more workers, other than apprentices, are employed shall receive 3d. (threepence) per hour in addition to the above wages, provided the job shall extend eight hours or more.

(d) Wages shall be paid weekly or fortnightly during working-hours.

(e) In the event of a worker being discharged for any cause or when a worker leaves of his own accord, he shall be paid full wages within one hour, and for all time spent by him over the said one hour waiting for his wages, ordinary time shall be paid.

#### *Increase in Rates of Remuneration*

3. Except where otherwise provided, all rates of remuneration, including time and piece wages and overtime and any other special payments, provided for in this award shall be

increased to the extent and in the manner prescribed by the two general orders of the Court made under the Rates of Wages Emergency Regulations 1940, and dated the 9th August, 1940, and the 31st March, 1942, respectively.

EXPLANATORY NOTE.—(1) The general order of the 9th August, 1940, increased *rates of remuneration* determined by awards and industrial agreements and apprenticeship orders by an amount equal to 5 per cent. thereof.

(2) (a) The general order of the 31st March, 1942, further increased *rates of remuneration* determined by awards and industrial agreements and apprenticeship orders (inclusive of the 5 per cent. increase provided by the general order of the 9th August, 1940) by an amount equal to 5 per cent. thereof, but excluded from the increase such portion of the *remuneration* of each worker as exceeded—

- (i) The amount of £5 a week in the case of male workers twenty-one years of age and over;
- (ii) The amount of £2 10s. a week in the case of female workers twenty-one years of age and over;
- (iii) The amount of £1 10s. a week in the case of male and female workers under twenty-one years of age; and
- (iv) The amount of £1 10s. a week in the case of apprentices under apprenticeship orders.

(b) The increase in *rates of remuneration* provided by the order referred to in (a) hereof applied to the unexcluded portion of the *remuneration* of each worker, irrespective of his or her total weekly *remuneration*.

(3) The term "*rates of remuneration*" includes time and piece wages and overtime and any other special payments. The term "*remuneration*" means actual earnings, including time and piece wages and overtime and any other special payments.

### *Hours of Work*

4. (a) Except as provided in subclauses (d) and (e) hereof, the ordinary hours of work shall not exceed forty in any one week, nor eight per day on the five days of the week, Monday to Friday inclusive, between the hours of 7.30 a.m. and 5 p.m.

(b) Employers shall provide time-sheets or time-books for their employees, in which the employees' hours of work each day shall be entered by the employees.

(c) Where employees attend at the place of employment at the usual hour for commencing work, work shall be found for them for at least four hours, or payment shall be made for four hours at the minimum rate.

(d) The ordinary hours of work in respect of troublemen and faultmen covered by this award employed by electrical supply authorities shall be such as the exigencies of the

employment may reasonably require, but shall not exceed 120 hours in each three weeks, to be worked on not more than twenty-two days in each four-weekly period.

(e) The ordinary hours of work for electrical workers employed by freezing companies shall be forty-four per week, to be worked on five and a half days of the week.

#### *Overtime*

5. (a) All time worked outside or in excess of the hours specified in clause 4 shall be overtime and shall be paid for at the rate of time and a half for the first four hours in any one day and double time thereafter. Any worker called back after 10 p.m. on any week-day or after 12 noon on Saturday shall be paid double rates.

(b) If at any time a worker is called out after having ceased work or before the normal time for starting work, then the time so worked shall be paid for at overtime rates, computed from the time of leaving home to the time of his return: Provided that a minimum of one hour shall be paid for each call.

(c) Any worker required to commence work after the cessation of public wheeled traffic or before the ordinary time for starting such traffic, and any worker who may work continuously until after the cessation of public wheeled traffic and cease work before the ordinary time of starting such traffic, shall be paid for time occupied in travelling to or from his home at ordinary rates of pay, together with any expenses incurred by him in proceeding to or from his home.

(d) Any worker having performed his ordinary day's work and having worked overtime at rates as provided herein until the ordinary time for commencing work next day, and being then required to continue working, shall be paid at double time rates for so long as he continues to work thereafter: Provided that a worker being required to work continuously shall not thereafter be stood down for a lesser period than eight hours.

(e) No worker shall be required to work for more than five hours without an interval for a meal. Time worked in excess of five hours shall be paid for at overtime rates.

(f) Provided that workers cannot reasonably get home to their meals, the employer shall allow meal-money at the rate of 2s. per meal when workers work overtime after 6 p.m. on the five days of the week, Monday to Friday, or after five hours' work on Saturday or Sunday: Provided, also, that such meal allowance shall be payable for all meals during the

continuance of such overtime when it is continued into the following day. The provisions of clause 3 hereof increasing rates of remuneration shall not apply to the meal-money payment provided for in this subclause.

(g) When working overtime under conditions where a worker cannot obtain a meal without incurring additional travelling-expenses, the employer shall reimburse such extra expense.

#### *Dirty Work*

6. (a) Where the conditions are unhealthy or more injurious to clothing than the ordinary workshop conditions, dirt-money at the rate of 1s. 6d. per day or portion of a day shall be paid to all employees; such conditions (without limiting the definition) may be found in stokeholds, about boilers and galleys, or any employee working on board a boat in any of the following places: forepeak, afterpeak, chain locker tanks, bilges, bunkers, engine-room, funnel, boilers, or stokeholds; or any worker while employed about a ship's boiler, or at installing or overhauling storage batteries, or at work in freezing-chambers while freezing is being carried on, or repairing damage done by fire.

(b) Unless it can be shown that the conditions appertaining to any particular job done in connection with such work is no dirtier than the ordinary workshop conditions, work done at the following places shall be considered dirty work: wool-scouring works, scraping-sheds of tanneries, boiling-down works, char end of sugar-works, furnace-rooms of glass-works, galvanizing-works, smelting-works, chemical-works, sanitary works, artificial-manure works, gutworks and fellmongery department of slaughter-yards, in slaughter-yards during killing operations, cement-works, stables, margarine-factories.

The above subclause shall not apply to workers who are regularly employed on the staff of the above-mentioned works, neither shall it apply to buildings under construction that are to be used for the purpose of carrying on any of the above industries, or to work carried on in connection with vehicle storage-battery work.

Cement-works: Work performed in clinker-grinding mills only shall be considered as coming within the scope of this clause.

(c) A "day" shall mean any portion of the twenty-four hours a worker may be employed at such work.

*Holidays*

7. (a) The following shall be the recognized holidays which shall be paid for at ordinary rates, except when the holiday falls on a day other than an ordinary working-day: New Year's Day, Anniversary Day, Good Friday, Easter Monday, Anzac Day, the birthday of the reigning Sovereign, Labour Day, Christmas Day, and Boxing Day: Provided, however, that when a holiday falls on a Saturday a worker who normally works four hours on Saturdays shall be paid four hours' pay.

(b) The employer shall pay wages for the above holidays to all workers performing work coming within the scope of this award who have been employed by him at any time during the fortnight ending on the day on which the holiday occurs.

(c) Where any worker has been employed upon work coming within the scope of this award by more than one employer during the fortnight ending on the day on which any of the above holidays occurs, he shall be entitled to receive payment for the holiday from such one or more of those employers, and if more than one, in such proportions as the Inspector of Awards determines.

(d) In the event of a holiday, other than Anzac Day, falling on a Sunday, such holiday shall be observed on the succeeding Monday, and in the event of another holiday falling on such Monday, such other holiday shall be observed on the succeeding Tuesday.

(e) Except as otherwise provided, any work done on any of the above holidays or on Sundays shall be paid for at double time rates.

(f) Annual holidays shall be allowed each worker in accordance with the Annual Holidays Act, 1944.

(g) Notification of the commencement of annual holidays shall be given at least fourteen days prior to the date fixed for such holidays.

*Suburban Work*

8. (a) Suburban work shall mean work (other than country work) performed beyond one and a half miles from the employer's place of business and irrespective of where the engagement takes place: Provided that if an employer has no place of business other than any separate job or

contract being carried on by him, the one and a half miles shall be measured from the chief or principal post-office in the city or town or borough in or nearest to which the worker employed by him resides.

(b) Workers employed on suburban work shall either proceed to and from such work or they shall be conveyed to and from such work at the expense of the employer, as the employer shall in each case determine. Time reasonably occupied by the workers in travelling, or time occupied in conveying the workers to and from such work beyond the one and a half miles or beyond the worker's home, whichever is the less, shall be allowed and paid for by the employer at ordinary rates. No worker residing less than one and a half miles from the place where the work is to be performed shall be entitled to the allowance mentioned in this clause.

(c) For the purposes of this clause all distances shall be measured by the nearest convenient mode of access for foot-passengers.

(d) Where workers employed by Electric-power Boards are conveyed by the employer to and from work, time occupied in travelling to and from up to twenty minutes per day one way shall not be paid for.

#### *Country Work*

9. (a) "Country work" means work done by a worker in such a locality as to necessitate his sleeping elsewhere than at his genuine place of residence in New Zealand.

(b) The provision herein contained relative to country work shall apply whether or not the worker, prior to his accepting such country work, is already in the service of the employer, and whether the worker is engaged at the place where the work is to be done or elsewhere, and irrespective of the employer's usual place of business.

(c) The employer shall convey the worker free of charge, or pay his fare, to and from country work, but once only during the continuation of the work. If, however, the worker is withdrawn from such work by the employer or if he returns therefrom requiring medical attention in consequence of accident or sickness arising out of and in the course of the employment, and is, in either case, again required on the work, the employer shall again convey him or pay his fare to and from such work.



(d) Time occupied in travelling shall be paid for at ordinary rates; but no worker shall be paid more than the ordinary day's pay for any day occupied by him in travelling, even though the hours occupied may exceed eight, unless he is on the same day occupied in working for his employer.

(e) The employer shall provide the worker while on country work with suitable board and lodging, or in lieu thereof pay him for each working-day the sum of 5s. 2d.: Provided that where, through circumstances within the control of the employer, a worker is employed upon country work for less than six consecutive days, the employer shall provide such board and lodging and may not elect to make such payment in lieu thereof.

(f) Where the work is situated less than fifty miles from the employer's place of business, the worker shall be refunded his return fare to and from his place of engagement once every four weeks during the continuance of the work. When the work is situated over fifty miles from the employer's place of business, the refund shall be made once in each three months.

(g) Notwithstanding anything contained herein, and subject to the provisions of clause 7 hereof, an employer may agree with a worker that, in respect of any specified country work, the hours of work shall be different from or in excess of those prescribed in this award: Provided, however, that all time worked outside or in excess of such prescribed hours shall be considered overtime and shall be paid for at the rate of 1½d. per hour in addition to the ordinary rates.

#### *General Conditions*

10. (a) Workers shall provide the following tools: pliers, screw-drivers, brace and bits, footprints, hammer, hack-saw frame, chisels, pad-saw handle. The employer shall provide all other necessary tools, for which the workers to whom the tools are issued shall be responsible.

(b) Should a worker be required to use his bicycle or motor-cycle, he shall be allowed 2s. per week in the case of a bicycle and 1s. per day in the case of a motor-cycle. A worker shall be refunded all fares and other charges incurred by him in the course of his employment.

*Exemptions*

11. (a) The hours of work for workers engaged on ship-repair work shall be forty-four per week, to be worked from 8 a.m. to 5 p.m. each day from Monday to Friday inclusive, and from 8 a.m. to noon on Saturday.

(b) If a worker is employed for portion of the week on work other than ship-repair work and for portion of the same week on ship-repair work, his hours of work for that week shall be forty, but Saturday from 8 a.m. to noon on ship-repair work will be permitted in such week, provided that the forty hours is not thereby exceeded.

(c) This award shall not apply to any electrical worker who is on the articles of any ship or is standing by such ship on seagoing wages during repair or overhaul.

*Matters not provided for*

12. Any dispute in connection with any matter not provided for in this award shall be settled between the employer concerned and the secretary or the president of the union, and in default of any agreement being arrived at, then such dispute shall be referred to the Conciliation Commissioner for the district, who may either decide the same or refer the matter to the Court. Either party, if dissatisfied with the decision of the Conciliation Commissioner, may appeal to the Court upon giving written notice of such appeal to the other party within fourteen days after such decision shall have been communicated to the party desiring to appeal.

*Right of Entry*

13. The secretary or other authorized officer of the union shall, with the consent of the employer (which consent shall not be unreasonably withheld), be entitled to enter at all reasonable times upon the premises or works and there interview any workers, but not so as to interfere unreasonably with the employer's business.

*Under-rate Workers*

14. (a) Any worker who considers himself incapable of earning the minimum wage fixed by this award may be paid such lower wage as may from time to time be fixed, on the application of the worker after due notice to the union, by the local Inspector of Awards or such other person as the Court may from time to time appoint for that purpose; and such Inspector or other person in so fixing such wage

shall have regard to the worker's capability, his past earnings, and such other circumstances as such Inspector or other person shall think fit to consider after hearing such evidence and argument as the union and such worker shall offer.

(b) Such permit shall be for such period, not exceeding six months, as such Inspector or other person shall determine, and after the expiration of such period shall continue in force until fourteen days' notice shall have been given to such worker by the secretary of the union requiring him to have his wage again fixed in manner prescribed by this clause: Provided that in the case of any person whose wage is so fixed by reason of old age or permanent disability it may be fixed for such longer period as such Inspector or other person shall think fit.

(c) Notwithstanding the foregoing, it shall be competent for a worker to agree in writing with the president or secretary of the union upon such wage without having the same so fixed.

(d) It shall be the duty of the union to give notice to the Inspector of Awards of every agreement made with a worker pursuant hereto.

(e) It shall be the duty of an employer, before employing a worker at such lower wage, to examine the permit or agreement by which such wage is fixed.

#### *Workers to be Members of Union*

15. (a) Subject to the provisions of section 18 (5) of the Industrial Conciliation and Arbitration Amendment Act, 1936, it shall not be lawful for any employer bound by this award to employ or to continue to employ in any position or employment subject to this award any adult person who is not for the time being a member of an industrial union of workers bound by this award.

(b) For the purpose of subclause (a) of this clause a person of the age of eighteen years or upwards, and every other person who for the time being is in receipt of not less than the minimum rate of wages prescribed by this award for workers of the age of twenty-one years and upwards, shall be deemed to be an adult.

(NOTE.—Attention is drawn to subsection (4) of section 18 of the Industrial Conciliation and Arbitration Amendment Act, 1936, which gives to workers the right to join the union.)

*Application of Award*

16. This award shall apply to the original parties named herein, and shall extend to and bind as subsequent party hereto every trade-union, industrial union, industrial association, or employer who, not being an original party hereto, is, when this award comes into force or at any time whilst this award is in force, connected with or engaged in the industry to which this award applies within that portion of the industrial district to which this award relates.

*Scope of Award*

17. This award shall operate throughout that portion of the Otago and Southland Industrial District which is included in the Provincial District of Otago.

*Term of Award*

18. This award, in so far as it relates to wages, shall be deemed to have come into force on the 1st day of April, 1945, and so far as all the other conditions of this award are concerned it shall come into force on the day of the date hereof; and this award shall continue in force until the 20th day of August, 1946.

In witness whereof the seal of the Court of Arbitration hath hereto been put and affixed, and the Judge of the Court hath hereunto set his hand, this 22nd day of August, 1945.

[L.S.]

A. TYNDALL, Judge.

## MEMORANDUM

The matters settled by the Court related to tool allowance, dirty work, holidays, and sick-pay.

In making wages payable retrospectively to the 1st April, 1945, the Court has taken into consideration an application made under the Economic Stabilization Emergency Regulations 1942, Amendment No. 5, for amendment of the expiring award.

Mr. Prime is not in agreement, and his dissenting opinion follows.

A. TYNDALL, Judge.

## DISSENTING OPINION OF MR. PRIME

In view of the fact that the minimum rate for workers under this award is  $\frac{1}{2}$ d. per hour above the comparable rate for the rest of the Dominion, an additional allowance of  $\frac{1}{2}$ d. per hour as a tool allowance is not warranted.